

SIKKIM

GOVERNMENT

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GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS, TRAINING & PUBLIC
GRIEVANCES , GANGTOK-SIKKIM

No. 76 /GEN/DOP

DATED: 20/2/2015

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of all the previous rules made on the subject, the Governor of Sikkim hereby makes the following rules, namely:-

1. **Short title and commencement:-**

- (1) These rules may be called the Sikkim State Motor Vehicles Service Rules, 2015.
- (2) These rules shall come into force on the date of their publication in the official Gazette.

2. **Definition.-** In these rules, unless the context otherwise requires;

- (a) "Appointed day" means the day and date from which the provisions of these rules come into force;
- (b) "Appointing Authority" means the State Government;
- (c) "Cadre Controlling Authority" means the State Government in the Motor Vehicles Division of the Transport Department;
- (d) "Cadre post" means any of the posts specified under column 2 of Schedule I;
- (e) "Commission" means the Sikkim Public Service Commission;
- (f) "Government" means the Government of Sikkim;
- (g) "Governor" means the Governor of Sikkim;
- (h) "Schedule" means the Schedule appended to these rules;
- (i) "Service" means the Sikkim State Motor Vehicles Service;
- (j) "Year" means the financial year commencing on the 1st day of April and ending on the 31st day of March next following.

3. **Constitution of Service.-**

- (1) There shall be constituted a service called the Sikkim State Motor Vehicles Service.

- (2) The service shall consist of the posts in different grades as indicated in schedule I.
- (3) The authorised strength of cadre posts and the scale of pay of each cadre post shall be as indicated in Schedule I at the appointed day and shall be as determined by the Governor from time to time.

4. **Initial constitution of service:-**

- (1) In its initial constitution, persons holding posts as included in Schedule I shall be deemed to have been appointed to the service from the appointed day, Provided that such persons who are not interested to be appointed to the service at its initial constitution shall, within 30 (thirty) days from the appointed day, convey his/her intention to the Appointing Authority in writing, opting out of the service. Option once exercised shall be final.
- (2) Those persons who opt out of the service may continue in their present post till such time, not exceeding 6 (six) months and they may be adjusted elsewhere by the Government at its discretion.

5. **Method of recruitment to the service:-**

Recruitment and appointment to the cadre posts shall, after the appointed day, be made by the methods specified in Schedule II.

6. **Promotion from one grade to another in the service:-**

- (1) There shall be a Selection Committee consisting of the following officers for promotion to the higher grade in the service namely:-
 - (a) Chairman, Sikkim Public Service Commission;
 - (b) Member, Sikkim Public Service Commission;
 - (c) Secretary to the Government in the Department of Personnel, Administrative Reforms and Training;
 - (d) Secretary to the Government, Transport (MV) Department;
 - (e) Secretary to the Government to be nominated by the State Government.
- (2) The Chairman or where the Chairman is unable to attend, the Member of the Commission shall preside over the meeting of the Committee. The absence of a member other than both the Chairman and Member of the Commission shall not invalidate the proceeding of the Committee if more than half the members of the Committee had attended its meeting.
- (3) The Government shall, from time to time, for the purpose of sub-rule (1) prepare a list of names of the members of the service in order of seniority who have completed the prescribed length of the service for promotion to the next higher grade on the first day of that year.
- (4) The Government shall forward to the Commission the list prepared under sub-rule (3) along with the character rolls, annual property returns and service records for the periods the member of the service has to complete to become eligible for promotion duly indicating the

number of the anticipated vacancies to be filled by promotion in the course of the period of 12 (twelve) months commencing from the date of preparation of the list.

- (5) The Commission, after satisfying themselves that the records and the information, complete in all respects have been received, shall convene a meeting of the Committee. The Committee shall prepare a final list of the officers who are found suitable for promotion.
- (6) The number of persons to be included in the list shall not exceed twice the number of vacancies to be filled by promotion.
- (7) The Commission shall forward the final list prepared under sub-rule (5) to the Government along with character rolls, annual property returns and service record received from the Government.
- (8) The list, shall ordinarily be in force for a period of 12 (twelve) months from the date of recommendation of the Commission.
- (9) Promotion of the persons included in the list to the relevant higher grade shall be made by the Government against the existing vacancies in the order in which their names appear in the list.
- (10) It shall not be ordinarily necessary to consult the Commission before such appointment is made unless during the period intervening between the inclusion of the names of the persons in the list and the date of the proposed appointment, there occurs a deterioration in the work of the person which in the opinion of the Government is such as to render him unsuitable for appointment by promotion to the service.

7. Probation:-

- (1) Every person promoted to a cadre post by promotion shall be appointed to the service on probation for a period of 1 (one) year.
- (2) The Appointing Authority may, if it so think fit in any case or class of cases, extend the period of probation by a period not exceeding 2 (two) years.

8. Discharge of a person on probation:-

A person appointed or promoted to a cadre post on probation shall be liable to be discharged from service or, as the case may be, reverted to his substantive post if;

- (a) the State Government is satisfied that the person was ineligible for recruitment to the post or is unsuitable for holding the said post, or
- (b) he fails to pass departmental examination,
- (c) he is found lacking in qualities of mind and character needed for the post or service or in the constructive outlook and human sympathy needed in the public service generally or,
- (d) he fails to comply with any of the provisions of these rules.

9. **Confirmation**:- Where a probationer completes his period of probation to the satisfaction of the Government, he shall, subject to other provisions of these rules, be confirmed in the post at the end of his period of probation.

10. **Seniority**:- Seniority of the members of the service shall be regulated by the provisions laid down in the Sikkim State Services (Regulation of Seniority) Rules, 1980, as amended from time to time.

11. **Administrative Control**:-

- (1) The administrative control over the service including appointment, transfer and deputation shall vest with the Government, in the Department of Personnel, Administrative Reforms and Training.
- (2) The headquarters of the members of the service shall not be changed save with the concurrence of the Department of Personnel, Administrative Reforms and Training.
- (3) A member of the service shall not be transferred outside the service or under any other Department or to any Corporation, Company, Undertaking or Body save with the concurrence of the Department of Personnel, Administrative Reforms and Training both for the transfer and for the terms and conditions proposed or stipulated for such transfer.

12. **Residuary matters**:- All other matters in relation to the service specified or for which no provision has been made in these rules shall be regulated by rules and orders applicable to other persons of the Government of equivalent status.

13. **Interpretation**:- If any question arises as to the interpretation of these rules, the decision of the Government thereon shall be final.

14. **Power to relax**:- Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or cadre posts.

By order and in the name of the Governor.

**(A. K. Chettri), IAS
COMMISSIONER-CUM-SECRETARY
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS,
TRAINING AND PUBLIC GRIEVANCES.**

SCHEDULE I
STRENGTH AND COMPOSITION OF THE CADRE POSTS

Sl No.	Designation of posts	Sanctioned Strength
1	DUTY POSTS(a) Assistant Regional Transport Officer	06
	(b) Deputy Regional Transport Officer	04
	(c) Regional Transport Officer	02
	(d) Additional Transport Commissioner	01
	(e) Commissioner	01
	Total Sanctioned Strength	14
2	Deputation reserve (20 % of 14)	3
3	Training Reserve (15 % of 14)	2
4	Leave Reserve (5 % Of 14)	1
	Total Authorised Strength	20

SCHEDULE II

SL. NO.	NAME OF POSTS	NO. OF POSTS	CLASSIFICATION	PAY BAND	GRADE PAY	METHOD OF RECRUITMENT	AGE LIMIT	EDUCATIONAL QUALIFICATION	PERIOD OF PROBATION	IN CASE OF RECRUITMENT BY PROMOTION/ DEPUTATION/TRANSFER, GRADE POST FROM WHICH PROMOTION/DEPUTATION/ TRANSFER TO BE MADE
1	Assistant Regional Transport Officer	6	Group B ₹ 9300-34800	PB-2 promotion	₹ 5000	100% by Applicable	Not Applicable	Not Applicable	Not	Must have completed at least 6 (six) years of service as Motor Vehicle Inspector,
2.	Deputy Regional Transport Officer	4	Group B	PB-3 ₹ 15600-39100	₹ 6200	-do-	-do-	-do-	-do-	Must have completed at least 6 (six) years of service as Assistant Regional Transport Officer, subject to availability of posts
3	Regional Transport Officer	2	Group A	-do-	₹ 7200	-do-	-do-	-do-	-do-	Must have completed at least 6 (six) years of service as Deputy Regional Transport Officer, subject to availability of posts
4	Additional Transport Commissioner	1	Group A	-do- /	₹ 8700	-do-	-do-	-do-	-do-	Must have completed at least 4 (Four) years of service as Regional Transport Officer, subject to availability of posts
5	Commissioner	1	Group A	PB-4 ₹ 32000-69000	₹ 9000	-do-	-do-	-do-	-do-	Must have completed at least 2 (two) years of service as Additional Transport Commissioner, subject to availability of posts